IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.3891 of 1989
Date of Decision:07.03.2007

M/s Arya Cotton Factory, Kishanpura, Distt. Jind .....Petitioner

Vs.

State of Haryana and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Jaswant Jain, Advocate for the petitioner.
Ms. Ritu Bahri, DAG, Haryana.

Rajesh Bindal, J.

This order will dispose of C.W.P. Nos.3891 and 3892 of 1989 and 7987 of 1988. However, the facts are being taken from C.W.P. No.3891 of 1989.

The challenge in the present writ petition is to notification dated 30.12.1987 (Annexure P.8) primarily raising the plea of promissory estoppel.

It is not in dispute that in Civil Writ Petition No.1014 of 1988 – **M/s Satguru Oil Mills and others v. State of Haryana and others** decided on 25.7.1988, alongwith a bunch of petitions, an identical issue involving the same notification, was considered by this Court and it was held therein that notification dated 30.12.1987 does not apply to the units set up prior to the date of notification. The operative part of the judgment is extracted below:-

> "As a result of the above discussion, I allow these petitions and hold that the notification dated 30.12.1987 Annexure P.2 does not apply to the industrial units of the petitioners. They are entitled to the exemption from payment of tax on the basis of the exemption certificates granted in their favour by the Assessing Authority on the entire turnover irrespective of the fact whether or not it exceeds Rs.5 lacs in a year. Such exemption is to remain in force in the case of the petitioners for a period of two years from the date of grant of the exemption certificates by the Assessing Authority."

Accordingly, the present writ petition is accepted in terms of judgment of this Court in **M/s Satguru Oil Mills' Case (supra).** The reasons recorded therein shall form part of this order.

March 07, 2007 **(RAJESH BINDAL)**
renu **JUDGE**